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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MICHAEL BRIONEZ, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE, *et al.*,

Defendants.

FILED

JUL - 8 2003

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

No. C 01 3969 CW

ATTORNEYS' FEES
SETTLEMENT

Attorneys' Fees Settlement
No. C 01 3969 CW

1 Plaintiffs and defendants, through their undersigned counsel, are entering into this
2 Attorneys' Fees Settlement for the sole purpose of liquidating defendants' agreement to pay
3 attorneys' fees and costs pursuant to Section VIII of the Settlement Agreement, which became
4 effective December 22, 2002.

5 1. Defendants will pay to the Trust Account of Richard M. Pearl, the amount of
6 \$900,000, to cover attorneys' fees, expenses and costs of all counsel for plaintiffs and plaintiffs'
7 class. This payment covers all attorneys' fees, expenses and costs for the period from the
8 inception of the administrative action that preceded this litigation in 1989, through the end of
9 calendar year 2002; it also includes all "fees-on-fees," and expenses and costs associated with
10 them, incurred through the date of the signing of this Attorneys' Fees Settlement. The figure
11 includes all interest through September 1, 2003; after that date interest will start to accrue at the
12 rate set forth in 28 U.S.C. §1961.

13 2. Contingent upon receipt of payment pursuant to Paragraph 1 above, plaintiffs hereby
14 release defendants from any past, present, or future claims for attorneys' fees, expenses, or costs
15 for the periods set forth in Paragraph 1, and from any past, present or future claims for fees-on-
16 fees with respect thereto. This provision does not affect defendants' obligations pursuant to
17 Section VIII of the Settlement Agreement to pay reasonable attorneys' fees and costs generated in
18 connection with the implementation of the underlying Settlement Agreement from January 1,
19 2003, through the end of the term of the Settlement Agreement.

20 3. This Attorneys' Fees Settlement does not constitute an admission on behalf of
21 defendants that a specific amount of attorneys' fees is required to be paid, nor an admission of
22 liability by defendants on any aspect of this case. This Attorneys' Fees Settlement will not be
23 used in any manner to establish liability for fees, amounts, or hourly rates, in this or any other
24 case or proceeding.

25 4. The terms of this Attorneys' Fees Settlement constitute the entire agreement of the
26 parties as to attorneys' fees, expenses, and costs for the liability portion of this case, as well as the
27 fees-on-fees activities through the date of the signing of the Attorneys' Fees Settlement, as set
28 forth in Paragraph 1, and no prior statement, representation, agreement or understanding – oral or

1 written – that is not contained herein, will have any force or effect with respect thereto.

2 5. The below signed counsel are authorized to enter into this Attorneys' Fees Settlement
3 on behalf of their respective clients, and undersigned counsel for plaintiffs is authorized to enter
4 into this Attorneys' Fees Settlement on behalf of all of his/her co-counsel. The parties agree that
5 notice to the Brionez class is not necessary for the execution or implementation of this Attorneys'
6 Fees Settlement.

7 IT IS SO STIPULATED:

ROBERT D. McCALLUM, JR.
Assistant Attorney General

8 KEVIN V. RYAN
9 United States Attorney

10 Dated: June 12, 2003

By: /s/ Susan K. Ullman
HENRY A. AZAR, JR.
Assistant Branch Director
SUSAN K. ULLMAN
Trial Attorney

13 Attorneys for Defendants

14 Dated: June 13, 2003

By: /s/ Richard Pearl
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17 DENISE M. HULETT (No. 121553)
18 Mexican American Legal Defense and
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19 CHRISTOPHER HO (No. 129845)
20 The Legal Aid Society - Employment Law
Center

21 Attorneys for Plaintiffs

22
23 PURSUANT TO THE FOREGOING ATTORNEYS' FEES SETTLEMENT, IT IS SO
24 APPROVED ON THIS 3rd DAY OF ^{July} ~~JUNE~~ 2003.

25 
26 THE HONORABLE CLAUDIA WILKEN
27 United States District Judge
28